

**HAND CARRIED**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David L. Brock and Woojin Lee

Application No.: 09/783,637

Group: 3731

Filed: February 14, 2001

Examiner: Bui, Vy Q.

Confirmation No.: 3195

For: SURGICAL INSTRUMENT

2202 486 54  
2001 336 8  
2201

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith is a Preliminary Amendment for filing in the above-identified application.

[ ] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.

[ X ] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

	(COL. 1)		(COL. 2)	(COL. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	79	MINUS	* 25	54
INDEP	14	MINUS	** 6	8
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

\* not fewer than 20  
\*\* not fewer than 3

SMALL ENTITY	
RATE	ADDIT. FEE
X \$ 9	\$ 486
X \$42	\$ 336
+ \$140	\$

TOTAL = \$ 822

OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE
X \$18	\$
X \$84	\$
+ \$280	\$

TOTAL = \$ 0

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	_____
<input type="checkbox"/>	Amendment Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>0</u>

A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	_____
<input checked="" type="checkbox"/>	Amendment Fee	\$	<u>822</u>
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>822</u>

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Caroline M. Fleming  
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Dated: 3/24/03

Mar-21-03 04:24pm From-H B S R

Inc.

+978-941-0136

T-824 P.002/002 F-769

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-SMALL BUSINESS CONCERN****DOCKET NUMBER: 3300.1003-002 (08491.0004.00.000)**Applicant or Potential: David F. Brock and Warren J. ...

I hereby state that I am

☐ the owner of the small business concern identified below:

I hereby state that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF SMALL BUSINESS CONCERN endoVia Medical, Inc.ADDRESS OF SMALL BUSINESS CONCERN 150 Kerry Place  
Norwood, Massachusetts 02062

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR Part 1.21 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING BARRY WEITZNERTITLE OF PERSON IF OTHER THAN OWNER DIRECTOR BUSINESS DEV.ADDRESS OF PERSON SIGNING 150 KERRY PL, NORWOOD, MA 02062SIGNATURE [Signature]DATE 3/21/03